

REMARKS

Applicants respectfully request reconsideration and allowance of this application. Claims 1-41 are pending, of which claims 2, 6, 7, 16, 18, 32 and 38-40 are withdrawn and claim is amended.

According to Official Gazette notice at 1268OG89 published on March 18, 2003, a petition under 37 C.F.R. 1.78(a) and the associated surcharge under 37 C.F.R. 1.117(t) are not required to correct an applicant's claim for priority if the claim is included in the application transmittal letter within the time period set forth in 37 C.F.R. 1.78(a). A photocopy of Applicants' transmittal letter filed on January 30, 2001 indicating Applicants' priority claim and filing receipt dated March 8, 2001 is attached. According, Applicants have amended the specification to include Applicants' claim for priority in accordance with 37 C.F.R. 1.78.

Claims 1, 3-5, 8-15, 17, 19-31 and 33-36 were rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully submit that amended claim 1 obviates this rejection. Applicants have amended claim 1 to recite that the drawn channels extend in a direction parallel to the length of the drawn substrate and that the drawn substrate has inlets and outlets in cooperating relation with the drawn channels.

Further, the Office Action indicated that the relationship between the "drawn substrate" and "endcap substrate" or between the "drawn channel" and the "endcap channel" is unclear. Applicants respectfully traverse this rejection because the endcap substrate of claim 28 is a drawn substrate, e.g., a body of material drawn from a preform body. Likewise, the endcap channels of claim 28 are drawn endcap channels, e.g., channels within the endcap substrate formed by drawing the channels. Thus, the drawn endcap substrate of claim 28 further defines the endcap substrate of claim 3 and the drawn endcap channels of claim 28 further define the endcap channels of claim 3.

The Office Action indicated that the term "substantially constant" of claims 26-27 and 36 is a relative term. Applicants respectfully traverse this rejection because the term "substantially" is a broad term often used in conjunction with another term to describe a particular characteristic of the claimed invention (see MPEP 2173.05(b)). Applicants submit that one skilled in the art would know what is meant by

"substantially constant" in view of Figs. 1, 3, 5a, 5b, 5c, 5d and 5e, for example, and the corresponding description in Applicants' specification.

Reconsideration and withdrawal of this 35 U.S.C. §112, second paragraph rejection of claims 1, 3-5, 8-15, 17, 19-31 and 33-36 is respectfully requested.

Claims 1, 3-4, 8-10, 14-15, 19, 21, 26, 28-29, 31 and 34-36 were rejected under 35 U.S.C. §102(b) over Anderson et al. (U.S. Patent No. 5,922,591). Applicants respectfully traverse this rejection because Anderson et al. does not disclose or suggest every element of the rejected claims.

For example, Anderson et al. fails to disclose or suggest a device for analyzing a plurality of sample components as recited in independent claim 1 (and its dependent claims 3-4, 8-10, 14-15, 19, 21, 26, 28-29, 31 and 34-36). Specifically, Anderson et al. does not disclose or suggest a device that has a drawn substrate having a length and having at least two drawn channels formed therein as recited in claim 1.

Anderson et al. disclose or suggests a diagnostic device having a body that defines various reaction chambers and fluid passages in which sample collection and other operations can be carried out. Anderson et al. disclose or suggests that the body of the device can be fabricated using various techniques (col. 18, line 54 to col. 19, line 11), but does not disclose or suggest that either the body of the device or the various reaction chambers and fluid passages defined therein is drawn. Therefore, Anderson et al. does not disclose or suggest a device that has a drawn substrate having at least two drawn channels formed therein as recited in claim 1 (and its dependent claims 3-4, 8-10, 14-15, 19, 21, 26, 28-29, 31 and 34-36).

Claims 1 and 12 were rejected under 35 U.S.C. §102(b) over Oh (U.S. Patent No. 5,904,824). Applicants respectfully traverse this rejection because Oh does not disclose or suggest every element of the rejected claims.

For example, Oh fails to disclose or suggest a device for analyzing a plurality of sample components as recited in independent claim 1 (and its dependent claim 12). Specifically, Oh does not disclose or suggest a device that has a drawn substrate having a length and having at least two drawn channels formed therein as recited in claim 1. Oh disclose or suggests a microfluidic device having opposed spaced apart sheets of siliceous material wherein fluid capillaries are formed between the sheets. The fluid capillaries are defined by hydrophilic and hydrophobic areas on the sheets, and are not drawn. Therefore, Oh does not disclose or suggest a device that has a

drawn substrate having at least two drawn channels formed therein as recited in claim 1 (and its dependent claim 12).

Claims 1, 3, 11 and 13 were rejected under 35 U.S.C. §102(b) over Sepaniak et al. (U.S. Patent No. 5,176,881). Applicants respectfully traverse this rejection because Sepaniak et al. does not disclose or suggest every element of the rejected claims.

For example, Sepaniak et al. fails to disclose or suggest a device for analyzing a plurality of sample components as recited in independent claim 1 (and its dependent claims 1, 3, 11 and 13). Specifically, Sepaniak et al. does not disclose or suggest a device that has a drawn substrate having a length and having at least two drawn channels formed therein as recited in claim 1. Sepaniak et al. disclose or suggests a fiber optic based regenerable biosensor that includes a probe formed of a cylindrical stainless steel member and a cylindrical hollow chamber provided coaxially with the cylindrical stainless steel member. Numerous conduits are positioned into the chamber for introducing reagents into the chamber, however, Sepaniak et al. does not disclose or suggest that any of the conduits are drawn. Further, Sepaniak et al. fails to disclose or suggest that the stainless steel member is drawn to have at least two drawn channels formed therein as recited in claim 1. Therefore, Sepaniak et al. does not disclose or suggest a device that has a drawn substrate having at least two drawn channels formed therein as recited in claim 1 (and its dependent claims 1, 3, 11 and 13).

Claims 1, 3-4, 8-10, 14-15, 19, 21, 26, 28-29, 31 and 34-36 were rejected under 35 U.S.C. §102(b) over Beattie (U.S. Patent No. 5,843,767). Applicants respectfully traverse this rejection because Beattie does not disclose or suggest every element of the rejected claims.

For example, Beattie fails to disclose or suggest a device for analyzing a plurality of sample components as recited in independent claim 1 (and its dependent claims 1, 3-4, 8-10, 14-15, 19, 21, 26, 28-29, 31 and 34-36). Specifically, Beattie does not disclose or suggest a device that has a drawn substrate having a length and having at least two drawn channels formed therein as recited in claim 1. Beattie disclose or suggests a microfabricated apparatus in which tapered wells are formed in a drawn glass filament by etching. However, the tapered wells are not drawn, but formed by etching the drawn glass filament (col. 10, lines 14-15). Therefore, Beattie

does not disclose or suggest a device that has a drawn substrate having at least two drawn channels formed therein as recited in claim 1 (and its dependent claims 1, 3-4, 8-10, 14-15, 19, 21, 26, 28-29, 31 and 34-36).

In summary, none of the cited references teaches or suggests anything regarding drawing a material to form drawn channels therein.

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims are allowable and that the entire application is in condition for allowance.

Should any issues require clarification or resolution prior to allowance, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By



Robert C. Perez
Reg. No. 39,328
Tel. No.: (202) 861-3777
Fax No.: (202) 822-0944

RCP/JMS
P.O. Box 10500
McLean, VA 22102
(703) 905-2000